

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Josephine Amatuucci

v.

Civil No. 05-cv-259-SM

Charles Hamilton, et al.

O R D E R

Before the Court is Josephine Amatuucci's complaint¹ alleging that the defendants have violated her Fourth and Fourteenth Amendment rights to due process by subjecting her to false arrest

¹Amatuucci has filed a complaint (document no. 1), and three documents titled "Addendum to Complaint" (document nos. 7, 9 & 11). Although not strictly in compliance with the court's local rules governing "Motions to Amend," see Rule 15.1 of the Local Rules of the United States District Court for the District of New Hampshire ("LR"), I will accept these four documents in the aggregate as the complaint in this matter. Amatuucci is advised, however, that all further amendments must comport with the local rule, which states:

(a) A party who moves to amend a filing shall (i) attach the proposed amended filing to the motion to amend, (ii) identify in the motion or a supporting memorandum any new factual allegations, legal claims, or parties, and (iii) explain why any new allegations, claims, or parties were not included in the original filing.

(b) Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall reproduce the entire filing as amended and may not incorporate any prior filing by reference, except by leave of court.

and detention. Because Amatucci is proceeding both *pro se* and *in forma pauperis*, the matter is before the Court for preliminary review to determine whether the complaint states any claim upon which relief might be granted. See 28 U.S.C. § 1915(e)(2); United States District Court for the District of New Hampshire Local Rule 4.3(d)(1)(B).

As fully discussed in the Report and Recommendation issued simultaneously with this Order, and without further comment on the merits of the claims, I find that Josephine Amatucci has stated a claim upon which relief may be granted for false arrest and detention against defendants James O'Brien and Charles Hamilton.² Accordingly, I order that the complaint (document nos. 1, 7, 9 & 11) be served on those Defendants. Plaintiff has already submitted summons forms for each of the defendants upon whom service is authorized. The Clerk's office is directed to issue the summonses against defendants O'Brien and Hamilton and to forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses and copies of the complaint (document nos. 1, 7, 9 & 11), the Report and

²In the Report and Recommendation issued this date, I have recommended the dismissal of all other claims and defendants in the complaint.

Recommendation issued this date, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon Defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Amatucci is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the Defendants by delivering or mailing the materials to them or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: January 20, 2006

cc: Josephine Amatucci, *pro se*